

THE LAW OFFICE OF

ELISA HYMAN, P.C.

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December 18, 2020

**BY ECF**

Hon. John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: M.R. et al., v. New York City Department of Education, et al.,  
1:20-cv-09631 (JGK)(KNF)

Dear Judge Koeltl:

I represent the Plaintiffs in the above-referenced action. I am writing on behalf of both parties to request a *nunc pro tunc* extension of time for the parties to submit their Rule 26(f) report, which is due today as per Your Honor's order. *See* ECF No. 15.

The parties apologize for the timing of this request. We have been in discussions about how to proceed with this matter as late as this afternoon.

Plaintiff M.R. is the parent of Q.T., a young woman who Plaintiffs allege has been diagnosed with a number of psychological/psychiatric conditions, a learning disability and severe asthma. Plaintiffs' complaint against the New York City Department of Education ("DOE"), Chancellor Richard Carranza and the New York City Board of Education ("BOE") (collectively "Defendants" or "DOE") raises a number of individual and systemic claims under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, *et seq.*, the Due Process Clause of the 14th Amendment of the U.S. Constitution, 42 U.S.C. § 1983, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504"), the New York State Constitution, and New York State Education Law. Among other things, Plaintiffs allege that Defendants failed to provide stay-put services under 20 U.S.C. § 1415(j) and that the Plaintiff student has been out of school and without any services for several months.

In addition, there is an underlying administrative appeal pending concerning one of the school years at issue in this action. The parties are hoping to settle that as well.

The parties are interested in exploring settlement of the entire case and, at a minimum, settlement of the issues concerning Plaintiffs' request for injunctive relief.<sup>1</sup>

Further, Plaintiffs have indicated that if the case does not settle, Plaintiffs will seek to amend their complaint to reflect, *inter alia*, the outcome of the administrative appeal. As Plaintiffs currently have the opportunity to amend as of right given the timing of Defendants' Answer, Plaintiffs are not yet seeking an extension of their time to file an amendment.

In light of the above, the parties are jointly requesting an extension of submission of the Rule 26(f) report until January 18, 2020. If the issues concerning Plaintiffs' request for injunctive relief do not get resolved, Plaintiffs have indicated that they will seek to make an application to the Court on or before that date in any event.

If this requested adjournment is denied, the Parties respectfully request leave to submit their Rule 26(f) report on Monday, December 21, 2020.

Thank you for Your Honor's consideration of these requests.

Respectfully Submitted,

*/s/ Elisa Hyman*

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Elisa Hyman  
Counsel for the Plaintiffs

cc: Copatrick Thomas, Esq.  
Assistant Corporation Counsel

Application granted. The parties should file the 26(f) report by January 18, 2021

SO ORDERED.

New York, New York  
December 21, 2020

/s/ John G. Koeltl  
John G. Koeltl  
U.S.D.J.

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<sup>1</sup>The parties regularly litigate cases together concerning special education and the overwhelming majority of matters settle. Thus, we are reasonably optimistic that if we engage in negotiations, we can narrow the issues, at a minimum.